

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated November 1, 2004.

The indication that the objection to claims 1, 24 and 29 has been overcome is noted with appreciation.

Claims 1 and 23 stand rejected under 35 U.S.C. §112, first paragraph, it being asserted that the recitation of the negative limitation "...information that is not intertwined with information available from the other electronic agent facilities" is not supported in the specification.

Reconsideration is requested in view of the amendments to the claims 1 and 23 herein.

It will be noted that the applicant has amended the language of claims 1 and 23 to recite that the user can select one of several electronic agent facilities that are operable independently of one another with the user tool and each is capable of providing information that is at least partially not available from the other electronic agent facilities. The language "intertwined with information" has been deleted from the claims. It is respectfully submitted that the claims, as presently worded, are fully supported in the specification. (It is noted parenthetically, that applicant has basically removed text from claims 1 and 23, rather than adding text. Therefore, applicant has done nothing to raise a new issue after a Final Rejection.)

The limitations of claims 1 and 23 are adequately and fully supported in the instant specification.

In quite an extensive manner, the specification repeatedly describes and teaches "user-selectable electronic agent facilities which can be selected by the user with the user tool...". Thus, page 4 of the specification, beginning at line 5, states:

"Today's agent-based, e-commerce systems do not permit a customer to select "agent" types. There is no concept of a "selectable agent" that is tailored to suit customer preferences. Hence, the prior art does not provide selectable agent systems which would allow, for example, the same sensor/scanner or even the same customer/product ID code to work differently based on specific applications." (emphasis added)

The emphasis on a "selectable" e-agent is thereafter described in the paragraph bridging pages 5 and 6 of the instant specification. See further, the sentence bridging pages 17 and 18 of

the instant specification, which describes that when the user is ready, he or she can select a customer selectable e-agent which is suited for the particular product or information. See further the top paragraph (lines 1-6) at page 21 of the specification. Selection of a desired e-agent is also described at lines 7-15 at page 23 of the instant specification. Other examples are also available.

The reason for selecting one or another type of e-agent is described throughout the specification. The reason for the selection is that a particular user is interested in one or another type or kind of information which is available from one agent, whereas that type of information may not be available from another agent. The specification is replete with the various examples of different agents. As described above, the specification abundantly supports the recitation of a plurality of user-selectable electronic agent facilities which can be selected by a user with the user tool. These electronic agent facilities are operable independently of one another and capable of providing information that is at least partially not available from the other electronic agent facilities. Indeed, if the same information were available at the end of each e-agent, there would be no need for different e-agents. But obviously, and as clearly taught in the specification, each e-agent, at least partially, has information that is not available from other e-agents. The language of claim 1 and claim 23 is fully supported in the specification. As such, the Examiner is respectfully requested to reconsider and rescind the rejection/objection under the first paragraph of 35 U.S.C. §112.

Substantively, claims 1-4, 7, 8, 10-16, 18-20 and 22-29 are stated to be obvious over Tracy, et. al. (5,979,757), in view of Perkowski (2004/0019535), and further in view of Reber (6,032,195). The remaining claims 17 and 21 are stated to be obvious over the aforementioned references applied to claim 1, in further view of Jelen (6,129,276). Reconsideration is requested in view of the following remarks.

As noted already with respect to the discussion of the rejection of the independent claims under 35 U.S.C. §112, first paragraph, the claims herein allow a user to select from among a plurality of e-agents to obtain access to different types of information which may be accessible through one, but not necessarily another type of the e-agent.

It is not necessary to address the full scope of the comments in the Office Action, other than to note that the Office Action relies (at page 4) on Reber for the proposition that: "...Reber

teaches a method and system that uses a hand-held scanner to read and transmit optical code information (column 3, lines 14-22) to a plurality of software agents stored in a database...”, citing to Figure 1, items 14, 60 and 64 and column 4, lines 5-16, lines 60-67 and column 5, lines 1-29.

Respectfully, the reliance on Reber for the proposition that it teaches the user-selectable e-agents of the present invention is misplaced.

Specifically, the applicant has carefully reviewed the text of Reber referenced in the Office Action and respectfully submits that it does not teach a user-selectable e-agent that obtains for the end-user a selected, particular e-agent, that provides information or functionality that is at least partially not available from the others, in a manner of the present invention.

To appreciate the distinction, it is necessary to painstakingly and carefully review the disclosure of the Reber reference cited by the Examiner.

With reference to Figure 1 of this reference, and the description at column 4, lines 5-16 and lines 60-67, and column 5, lines 1-29, and indeed, the text that follows at lines 32-47, it is very clear that this reference teaches the following. In Figure 1, a human-readable information 16 which is optically readable (for example, a bar code), is read by the data reader 30 and transmitted via the input/output interface 54 to a network access apparatus 50. Encoded in the barcode, i.e., in the human-readable information, is a code that directly and determinatively provides a particular and very specific user-related destination agent or task information from the database 60. When that data is retrieved, it leads the software through the electronic network to the particular destination 20.

In fact, the Examiner’s kind attention is drawn to Figure 2, software block 92, which specifically points out that a particular software agent and/or task information is retrieved “based upon the optical code”. There is nothing which is user-selectable, in the sense of the present invention described here.

The inventions described in claims 1 and 23 provide a very important versatility to users, which avoids the drawback described in the instant specification relative to prior art such as Reber. The user tool can be used to select any of several e-agents. The user is not limited to a particular e-agent and the user can select the e-agent based on the type of information that the

user would like to obtain. Thus, the instant claims do not dictate or determine for the user of the hand tool, the particular agent based on any code! Rather, the user can select a client software and, accordingly, a corresponding network server, based on his/her needs, before ever reading or scanning the image on the objects; for example, a bar code and the like.

By selecting or downloading different client software, i.e., e-agents, even without regard to or without being limited by the particular code, i.e., barcode, that appears on a product or in a magazine being scanned, the user terminal can operate entirely differently from the prior art by allowing the user to reach a great diversity and variety of applications or information. This point is amply described in the instant specification, as already noted, and is fully set forth and defined in independent claims 1 and 23.

With the present invention, one can obtain a greater functionality which is described below relative to several examples. Thus, if a user chooses to scan a general barcode such as a UPC code, printed on a wine bottle with the user tool, the user may select several options, i.e. agents, for him/herself.

Thus, in a first case, the user may be in a restaurant and merely wish to know the characteristics of a particular wine, including its pedigree and history. He may then use a particular client software, i.e., an e-agent for wine information, and then scan the barcode on the wine bottle, which will retrieve information such as the place where the grapes were grown, the history of the wine, where the wine was fermented, recommendations of dishes compatible with that wine, etc.

In another situation, a cashier in liquor store may select Point of Sale e-agent and scan the wine bottle. The different e-agent would then retrieve Point of Sale information, such as the price of the wine, etc., or its availability from other sources, etc., on the mobile phone terminal.

In yet another example, a user may select an e-agent which handles the granting of awards such mileage points from a wine maker. In this instance, he or she would perform the same process of selecting first the particular e-agent, and then scan the bottle, which will then lead the user to the membership home pages and allow him or navigate to collect the reward points.

The foregoing is possible with the present invention, but not possible with any of the prior art systems. As already noted, the Reber system is a deterministic system which simply reads a

particular code and finds the path to a destination that is specifically related to that code.

Similarly, in the Tracy and Perkowski references, the image data, such as the barcode, is designed to be utilized for a particular, specific usage. As a result, a particular image data, that is, a particular barcode, will invariably connect to a specific user terminal and the user will be limited to the specific server (destination) and network, without the choice that is provided by the system of the present claims.

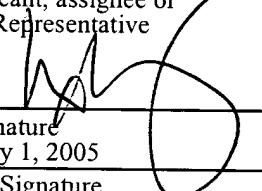
Stated another way, in each instance, without ability to deviate from the process, if the user scans a particular barcode, the user will always reach the same network server. The user will then be provided with only a single application or a single type of information. The user will not be able to choose which type or kind of a great variety of services he or she may access.

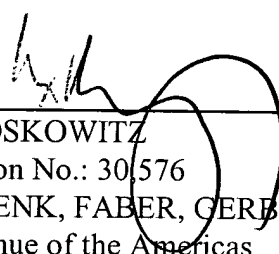
For the foregoing reasons, independent claims 1 and 23 are submitted to be clearly patentable over the prior art of record. By extension, the remaining claims in the application, which are dependent on one or another of the aforementioned independent claims and which impose further limitations thereon, must be deemed to be even further distanced from the prior art and, therefore, to be patentable in their own right.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 1, 2005

Respectfully submitted,

Max Moskowitz
Name of applicant, assignee or
Registered Representative

Signature
February 1, 2005
Date of Signature


MAX MOSKOWITZ
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700